

April 5, 1993

Anthony Gallegos
State of Utah Dept. of Natural Resources
Division of Oil, Gas, and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

5/003/020 **RECEIVED**

APR 08 1993

DIVISION OF
OIL GAS & MINING

**DOGM
MINERALS PROGRAM
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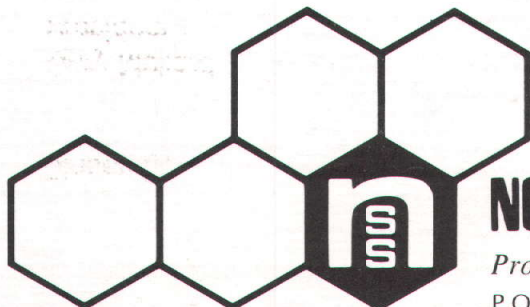
Dear Anthony,

Please find enclosed a copy of my letter to B.L.M. re: our mining plan for the turquoise stone quarry and my desire to meet there on Tuesday 4/13 for a tour of that area as well as Rose Bud, Max Cooper quarry area. I will call by mid week to confirm. Jerry Mansfield also expressed an interest in coming out and I would appreciate it if you would pass the information on to him.

Sincerely,

Gary Mullard
Gary Mullard
President

lw
enclosures



NORTHERN STONE SUPPLY, INC.

Producing Quality Building Stone Products for Worldwide Distribution

P.O. BOX 249 / OAKLEY, IDAHO 83346 / (208) 862-3353 / FAX (208) 862-3846

April 5, 1993

Dean Zeller, Utah State Director
Leon E. Berggren, Bear River Resource Area Manager
United States Department of the Interior
Bureau of Land Management
Salt Lake District Office
2370 South 2300 West
Salt Lake City, Utah 84119

CERTIFIED MAIL P882 760 837
RETURN RECEIPT REQUESTED

RE: 3809 U-69380 (UT-026)

Dear Leon,

I am in receipt of your decision on our mining plan of operations and environmental assessment for our Turquoise Stone Quarry located in Park Valley, Box Elder County. We wish to appeal your decision for the following reasons;

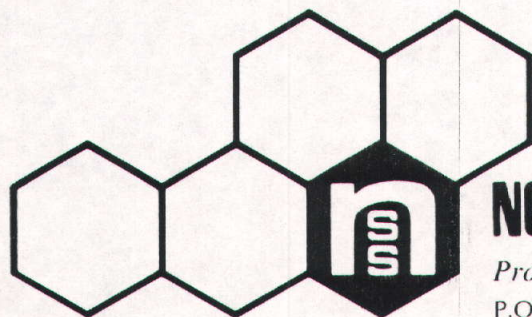
Item 1. Waste stone, upstream of the crusher site. As you will recall we volunteered to clean up this area and explained that 100% of this stone was a result of the former operator, Fuller Quarries, and was a result of opening up this quarry 38 years ago. Frankly speaking and considering the nature of the rocky stream bed in this area of the canyon, the impact on this 100 yard area is negligible and the siltation of the stream bed is all but non existent from this situation. As we pointed out, the 75 or more years of unchecked livestock activity have made a severe impact on this riparian corridor and severely eroded stream banks causing most of the siltation. Never the less, we have made a strong commitment to remove any waste materials, even though they were a result of the previous operator, but there must be a reasonable time frame established so that the economics and logistics will not literally put us out of business. This is a major job and will take time.

Item 2. Also, up front we brought forward the idea of our riparian zone restoration plan even though 99% of the riparian damage is a result of unchecked livestock activity. The previous quarry operator had a extremely clean and relatively small operation that had little or no impact on the riparian zone. Livestock wandered freely before and during the 38 years of Fuller Quarries operation and caused extensive damage eating all manner of trees, shrubs, and other stream side vegetation. We will meet all of your requirements within our property boundaries, but we expect a equal effort, in concert by the livestock people.

Item 3. Control of noxious weed. We will not have a problem meeting those regulations, but the following must be a matter of record.

A. The livestock industry is virtually 100% responsible for the noxious weed problem.

B. They have not spent a penny or exerted any effort at control since the beginning of their history in the Rock Canyon area where our quarry is located.



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C. Over the course of more than 38 years Glen Fuller has spent thousands of dollars and hundreds of man hours in a diligent effort to keep Canadian Thistle, Mullein, etc. under semi control on his quarry property. Frankly, it has been a loosing battle with absolutely no help from anyone up stream or down stream.

Item 4. Raptor study. I see no problem and we are most interested in protecting raptor habitat and establishing a no impact policy with our operation. The great horned owl nest that we pointed out near the old crusher has been a successful nest site for the same bird for over 5 years now. As in the past that area will be carefully avoided during nesting season. I might mention that over the years Northern Stone Supply has been a major contributor to the Peregrine Fund and the World Center for Birds of Prey located near Boise Idaho.

Item 5. We agree completely.

Item 6. We agree completely.

Item 7. Fences and gates. I thought we had explained in great detail our urgent need to improve and maintain the security of our property. The upper fence and gate are not locked. Even though we spent considerable money constructing a good fence to delineate our boundary and working area and installed a 1st class 12 foot wide steel gate with latch and no lock, the livestock people maliciously cut and destroyed a portion of our fence right next to our gate! This is only one small example of threats, vandalism and theft that we are experiencing. For over 38 years Fuller Quarries maintained some fences and locked gates to try and protect their property. This remote area presents some very special security and liability problems that are extremely critical, particularly in view of today's rampant disregard for the hard earned assets of others. All of our fences have been carefully planned over the years and are kept at a bare minimum to delineate and protect our working and living areas. The lower gate that you say should be moved is strategically placed and was within the boundary of our Turquoise Stone #4 mining claim that we abandoned for reasons of simplification. We need to understand your reasoning behind this request and consider a mill site or new claim in this area since it is important to our operation.

We would like to meet and discuss the reason for your request for a modified deer fence since all of the fences in the Park Valley area look about the same and the deer seem to move freely through our property. We can remove the "Private Property" from our signs if there is a technical problem. This was another attempt to alleviate the rampant destruction of our gates, locks, fences and theft of materials the past two years since we have occupied the property. Along with the destruction of our property we have had verbal threats the past two years and feel that the utmost in security measures is extremely important. We can not allow our future and property to be jeopardized.

Item 8. Proposed airfield, There is little or no top soil in the area of proposed construction, simply cobblestones and gravelly clay soil mix that supports little or no vegetation. Due to the nature of the terrain there would be no need to cut, fill or construct drainage. The construction would simply add a few inches of soil or crusher screenings that would provide vegetation base superior to the existing terrain.

Item 9. Top soil storage. Since there will be little or no top soil removed in the course of our operations we need to carefully review this provision.



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Item 10. Acreage. We submitted a disturbed area acreage of 3.5 acres. Your calculations show 7.417. There are numerous questions that must be addressed concerning the acreage involved.

A. We are not completely clear on the precise areas of the roads that you measured and included.

B. Most of the roads in this area were constructed by previous owners and claimants prior to 1955. How does this fit into the classification of a disturbed area for operation when we are in fact environmentally improving pre existing roads?

C. I am not sure of your designation of the "new upper" quarry area. Please bear in mind that we have not had the opportunity to review your calculations on the ground with you. There are several of the quarry areas that we have not worked or changed since taking over ownership and it may be that we will elect to keep these areas dormant until it is economically feasible to operate them.

Due to the formidable logistics and economic outlay of dealing with all of the issues of compliance, to say nothing about business start up costs we think it is imperative to cut our projected production and employee base by at least 50% this year. By keeping our operation under 5 acres and very streamlined and lean it should allow us to meet our expenses, get our feet on the ground economically, meet your requirements and build a solid base for our model operation.

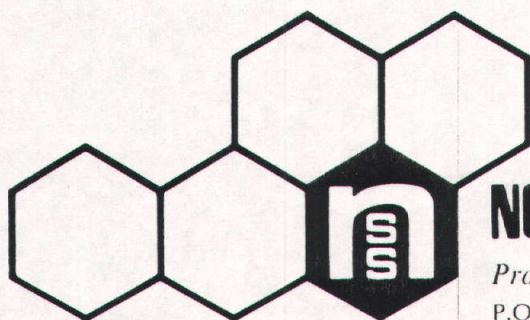
We would propose not to build a airfield at this time and eliminate certain areas of the quarry from immediate development.

There are some aspects of your regulations that I am not completely clear about interpretation and feel that I need clarification from legal council.

We have talked and communicated many times about my concerns that the State and B.L.M. take the non complying miners and livestock industry to task. We must have a level playing field. I see little or no compliance among the other public land users. At our next meeting I wish to point out several prime examples for your review.

Please find enclosed a copy of your Utah State Office letter to Connie and Glen Fuller advising that the first half mineral entry final certificate for mineral patent application UTU-69000 covering 75.379 acres has been confirmed. Verification of a discovery of a valuable mineral deposit is all that remains for issuance of final certificate. This should be completed within the 2 or 3 months. There is virtually no doubt about certificate issuance as evidenced by Glen Fullers diligent development of the resource over more than 38 years and a international market established. Since we are only months away from this final certificate I am wondering why we are jumping through the hoops on the 5 acre issue and creating immense amounts of extra cost and paper work.

We are not asking for any special favors and you can expect us to be very responsible operators as you have seen from our up front efforts and investment to show our ability and desire to be prime examples for others to follow.



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Glen Fuller is one of those individuals who earned every penny he made as a respected and ethical trial lawyer and when he could have taken it easy he had the ambition to develop, with his own two hands over the course of 38 years, the only well done contemporary decorative building stone quarry in the state of Utah, giving much benefit to the local area, state, and country as a whole. I have been at it for a mere 42 years, but am proud to say that Northern Stone Supply has the only well run and economically viable decorative building stone quarry in Idaho. In fact, there are only a handful of well run operations in the West. I am saying this not to be self serving, but as a fact. The backbone, integrity and strength of our nation is largely the result of the vision, hard work, and integrity of the small entrepreneur who was willing to risk everything for a chance to do something special.

Both Glen Fuller and I were, and still are, the "small entrepreneur". We must work hard every day and run a very organized and efficient operation to succeed on a modest level. We have never fed at the government trough and are willing to pay our own way and put back into society and the country as much or more than we take out. If we loose this ability by over regulation, an unlevel playing field, and the lack of logical compromise, then the spirit of America is broken and it is only a steady down hill trip from there. Please understand that I am a strong environmentalist and have an unusual dedication to preservation of the earth and its resources, yet there must be a great deal of common sense when it comes to interpreting the complex, sometimes convoluted myriad of laws and regulation.

By working together in such a way that will not literally put people out of business and deplete economic resources we will all have a win-win situation. We have positive thoughts for communication that will bring success. Last year we informed you that our operations normally begin about April 1st. and terminate November 1st depending on weather.

Regarding our on site meeting to review the Turquoise Stone Quarry, Fisher Canyon, and our new operation in the Rose Bud area we would like to meet very early AM on Tuesday 4/13. I will be contacting Anthony Gallegos, UDOGM and Bryce Tripp the Utah Department of Natural Resources who has expressed an interest in also meeting. We are extremely busy (my average work week now stands at 100 hrs.) and it would make sense for everyone to meet at one time and place to conserve time and expense. Please call me as early as possible to confirm this.

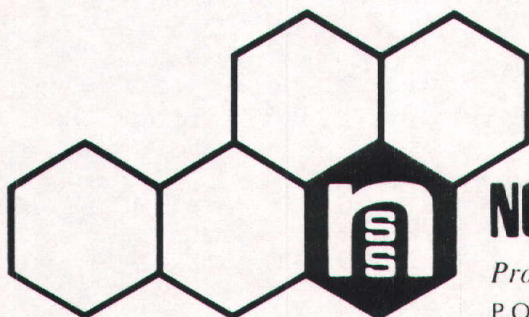
Sincerely,

Gary Mullard
President

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enclosures

P.S. I have enclosed a copy of Minerals & Man, March/April 93 by Raymond Lasmonis, Department of Natural Resources, Geology and Earth Resources Olympia, Washington 98504. Informative and good prospective.

CC: Glen Fuller, Kim Fuller, Anthony Gallegos UDOGM.



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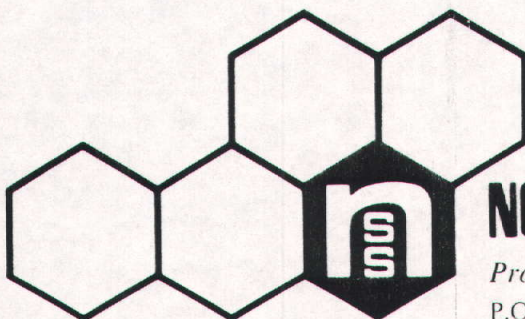
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ADDITION TO LETTER TO DEAN ZELLER AND LEON E. BERGGREN
S.L.C. B.L.M. APPEAL
ENVIRONMENTAL ASSESSMENT PAGE 2

A. Introduction and History: "During the summer of 1992 the Salt Lake District office, BLM was informed by some livestock permittees that a fence and locked gate had been constructed around work and living areas as well as the lower quarries of the operation".

For the record; Fuller Quarries built gates at the onset of their claims being filed in 1955 and locked them for necessary security. As the private "Dugway Road" was established another gate was constructed and locked for quarry security reasons. When Northern Stone Supply took over the operation a new entry gate was installed to protect the immediate working area from theft, vandalism, and encroachment of cattle. Essentially there was no change to the limited access granted from time to time by Fuller Quarries.



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MINERALS and MAN

RAYMOND LASMANIS
Department
of Natural Resources
Geology and Earth Resources
Olympia, Washington 98504

MEMBERS OF THE GENERAL PUBLIC and students frequently ask what persuaded me to become a geologist. The abbreviated answer is that I knew since my high-school days that I wanted to be an economic geologist. By the time I was twelve, I was collecting geologic materials and reading books on the subject.

At that time, during the post-World War II period and the Korean War, society was cognizant of the value of minerals. This was reflected in public-school curricula, where students were taught the direct relationship between the availability of minerals and our

Raymond Lasmanis, Washington State geologist, wrote three articles for the Washington issue of Rocks & Minerals (July/August 1991). He is also a frequent contributor to Washington Geology, from which this editorial is reprinted (March 1992).

economic well-being, as well as the nation's security. It was therefore only natural, I decided, to take on the task of helping to provide minerals for society's benefit.

As a nation, the United States has achieved the highest standard of living anywhere in the world. In the process, we have somehow lost sight of the fact that our very existence depends on only two sources of materials—you either grow it (food or lumber products, for example) or you get it out of the ground (minerals or oil). Everything else is manufactured from these raw materials.

Our society is largely illiterate when it comes to knowing what materials go into the construction of a house, a car, or even the highways we drive. During the last year, I have heard statements such as, "I didn't know concrete is made up of materials that are mined" (this from a group writing a report about growth management issues), or "I just don't like mining. Can't it be stopped?" (a common public reaction). It seems to me that our schools have failed to teach students just what the building blocks of a strong society/economy are.

Issues surrounding sand and gravel mining are good examples

of the need for education. Urban sprawl has infringed on historical sand and gravel mines. Major conflicts over land uses have resulted and will only escalate. But we cannot do without sand and gravel. These are needed for concrete aggregate, plaster and gunite, concrete products, asphaltic concrete, road-base cover, fill, snow and ice control, railroad ballast, and filtration/drain fields, to name a few uses. The U.S. Bureau of Mines reports that in Washington State in 1990, there were 197 operators who produced 40,250,987 short tons of construction sand and gravel from 226 major pits. With a 1990 population of 4,866,692, each person's share of construction sand and gravel was 8.27 tons or 16,540 pounds. These mine operations have little adverse environmental impact, but they are commonly perceived as a major social nuisance. The result is that costs of these materials are rising as regulatory permitting is delayed and the availability of known resources is restricted by zoning or other means. A more balanced approach should be developed, based on deliberations of an informed public that recognizes that every one of us is a consumer of mineral resources. □

We depend on minerals throughout our lives. In fact, each year an average of 40,000 pounds of new minerals are consumed for each American. At this level of consumption, the average child will need a lifetime supply of 800 pounds of lead . . . 750 pounds of zinc . . . 1,500 pounds of copper . . . 3,593 pounds of aluminum . . . 32,700 pounds of iron . . . 26,550 pounds of clays . . . 28,213 pounds of salt . . . and 1,238,101 pounds of stone, sand, gravel, and cement.

—American Mining Congress